

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

Contempt Petition NO. 359 OF 1998

Shri Sopan Pratap Patil Petitioner

VS.

The Deputy Director of Education and ors. Respondents

Sanjay Kshirsagar for petitioner

D. P. Adsule AGP for respondent nos. 1 and 2.

CORAM: D. G. KARNIK J.

DATE: 25th September 2006

P.C.:

1. Heard learned counsel for the petitioner.
2. This contempt petition has been filed alleging breach of the order dated 4th October 1995 passed by the learned District Judge, Pune.
3. The petitioner was a teacher. He filed a suit for injunction restraining the respondents from giving effect to the order of transfer. In the said suit an interim order of injunction was passed. The said order was challenged by the management by filing an appeal. In the appeal the District Court passed the the following order on 4th October 1995.

“Call R/P urgently, the entire appeal will be heard expeditiously the respondent need not signed muster and need not go to school still subject to

further order, he will be presumed to have attended the duty at GORA KUMBHAR HIGH SCHOOL.”

4. According to the petitioner he has not been paid the salary despite this order. The perusal of the order would show that the order is not for payment of salary but permitting the petitioner not to sign the muster roll. Non payment of salary is an entirely different cause of action. If the petitioner has not been paid the salary he has to move under the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977.
5. The petitioner is free to pursue such remedy. In the circumstances there is no breach of the order passed by the District Court. Hence there is no merit in this petition which is hereby dismissed.

(D.G. KARNIK J.)